

To: Gorke, Roger[Gorke.Roger@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]
Cc: Vendlinski, Tim[vendlinski.tim@epa.gov]; Kemmerer, John[KEMMERER.JOHN@EPA.GOV]
From: Diamond, Jane
Sent: Tue 12/3/2013 7:36:11 PM
Subject: Schedule on BDCP draft EIS

I understand folks are working on a possible EPA desk statement to use next week. I heard there's an ACWA meeting on Dec 14 which may immediately follow the Dec 13 publication of the DEIS, so it might get some play at ACWA. I'll keep you posted as I learn more..

Jane Diamond
Water Director
415-947-8707

From: Scott, Jeff
Sent: Tuesday, December 03, 2013 10:30:25 AM
To: Goforth, Kathleen; Herrera, Angeles; Blumenfeld, Jared; Diamond, Jane
Cc: Skophammer, Stephanie
Subject: Per request Re: scedule/PROGRESS Re: Follow up on Bay Delta

Thanks for the update!

From: Goforth, Kathleen
Sent: Tuesday, December 03, 2013 10:26:37 AM
To: Scott, Jeff; Herrera, Angeles
Cc: Skophammer, Stephanie
Subject: RE: PROGRESS Re: Follow up on Bay Delta

The latest word we have received from NOAA Fisheries is that the State plans to rollout the draft BDCP on Monday, December 9, and the FR Notice announcing the availability of the DEIS for the BDCP is expected to be published on Friday, December 13. The FR notice will start the DEIS public review clock. The lead agencies have told us that they will provide 120 days for the DEIS review, so the deadline for submitting comments will be April 12. Since April 12 is a Saturday, the effective deadline will be Monday, April 14.

Kathleen Martyn Goforth, Manager

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San Francisco, CA 94105

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From: Scott, Jeff
Sent: Tuesday, December 03, 2013 9:18 AM
To: Herrera, Angeles; Goforth, Kathleen
Subject: Fw: PROGRESS Re: Follow up on Bay Delta

Can u help me summarize due dates for this for JB? Thanks!

From: Gorke, Roger
Sent: Tuesday, December 03, 2013 7:19:33 AM
To: Goforth, Kathleen; Rader, Cliff; Bromm, Susan
Cc: Herrera, Angeles; Vendlinski, Tim; Skophammer, Stephanie; Foresman, Erin; Hagler, Tom; Diamond, Jane; Scott, Jeff
Subject: RE: PROGRESS Re: Follow up on Bay Delta

All,

Has there been any further discussions since you all met?

With the roll out impending next week, we need to make sure the Administrator knows the latest.

Thanks

Roger

Roger Gorke

Senior Policy Advisor

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From: Goforth, Kathleen

Sent: Friday, November 08, 2013 3:35 PM

To: Rader, Cliff; Bromm, Susan; Gorke, Roger

Cc: Herrera, Angeles; Vendlinski, Tim; Skophammer, Stephanie; Foresman, Erin; Hagler, Tom; Diamond, Jane; Scott, Jeff

Subject: FW: PROGRESS Re: Follow up on Bay Delta

Yesterday afternoon, Region 9 met with managers of Fish and Wildlife, National Marine Fisheries, Reclamation, CA Dept. of Water Resources, and their consultants to receive and discuss their responses to EPA's comments on the July Admin Draft EIS for the BDCP and to discuss direction moving forward. Participants at the meeting were Lori Rinek from USFWS, Ann Chrisney and Patti Idlof from Reclamation, Ryan Wulff from NMFS, and Cassandra Enos from DWR. Tim Vendlinski and Erin Foresman (R9 Water) and Stephanie Skophammer (R9 NEPA) were present at the meeting in Sacramento; I participated via phone for part of the meeting, but was called away to brief Jared on another matter before it ended. Earlier in the day, the same R9 representatives plus Tom Hagler (ORC) had participated in a bi-weekly meeting with the federal agencies only.

We spent a portion of the afternoon meeting going through EPA's comments and discussing how they were or were not addressed by the consultants. The bigger discussion however, was that this document still appears to be entirely programmatic in nature but DWR and the consultants continue to view it as project-level with regard to the proposed tunnel. Significant information is lacking to support permit decisions by the lead federal agencies, as well as the Corps (a cooperating agency). We advised that, if the DEIS is published with the significant deficiencies that remain, EPA will be put in the position of likely recommending an adverse rating and supplemental NEPA documents will be needed. We proposed that, if there is no flexibility to delay publication of the DEIS to resolve the outstanding issues, the lead agencies consider repackaging the DEIS as entirely a programmatic document, perhaps with a simplified set of alternatives (e.g., No Action, Conservation Measures with Tunnel, and Conservation Measures without Tunnel), and that the lead agencies acknowledge the further analyses that are needed and

plan to tier project-level documents to it after working through the outstanding issues. The lead agencies acknowledged that this EIS is not intended to support permit decisions and that much more information will be gathered and analyzed between the Draft and Final. They also indicated that they would take our message back to their senior management; however, there was no commitment to make any further changes to the DEIS before it is published.

The lead federal agencies plan to send the BDCP EIS to the printer on Nov 19th in order to meet a public release date of Dec. 13th. We requested that the lead federal agencies let us know, in advance of the DEIS's release, what their public messaging about it will be. Ryan Wulf (NOAA) agreed to share this information with us once they figure it out. DWR and the federal lead agencies also agreed to open direct channels of communication with EPA to facilitate our review of the DEIS once it is released, including allowing EPA to contact the contractors directly with questions that arise during our review.

-Kathy

Kathleen Martyn Goforth, Manager

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From: Gorke, Roger

Sent: Wednesday, October 23, 2013 1:26 PM

To: Goforth, Kathleen; Rader, Cliff; Herrera, Angeles; Bromm, Susan

Cc: Skophammer, Stephanie; Hagler, Tom; Foresman, Erin; Vendlinski, Tim

Subject: RE: PROGRESS Re: Follow up on Bay Delta

Thanks everyone for responding. I realize that this isn't a great situation to be in nor do I really

expect all our concerns to be addressed.

Let us know if you need anything from us.

Thanks again,

Roger

Roger Gorke

Senior Policy Advisor

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From: Goforth, Kathleen

Sent: Wednesday, October 23, 2013 11:41 AM

To: Gorke, Roger; Rader, Cliff; Herrera, Angeles; Bromm, Susan

Cc: Skophammer, Stephanie; Hagler, Tom; Foresman, Erin; Vendlinski, Tim

Subject: PROGRESS Re: Follow up on Bay Delta

Yesterday, we were contacted by Bureau of Rec about setting up a meeting on November 6, 7, or 8 to review EPA's comments to the Admin Draft BDCP EIR/EIS and discuss how they are being addressed. Representatives from all federal lead agencies will be participating along with DWR

and ICF. Stephanie and I have responded with our availability on those dates, and will coordinate with the rest of the team here to find a time that works for the most people .
- Kathy

From: Vendlinski, Tim
Sent: Tuesday, October 22, 2013 4:03:49 PM
To: Gorke, Roger
Cc: Skophammer, Stephanie; Hagler, Tom; Goforth, Kathleen; Foresman, Erin
Subject: RE: Follow up on Bay Delta

Thanks for your note, Roger.

We talked about the status of the BDCP roll-out this morning at our weekly Bay Delta Team meeting.

We understand that DWR has contacted the Corps and perhaps other federal agencies to explain whether or not the State would address their technical comments in the forthcoming materials.

DWR has not afforded this same courtesy to EPA.

As for the “full immersion”, please recall that last summer DOI offered to include us in “live edit” sessions with DWR and the other federal agencies. However, we declined to participate because those sessions were being devoted to editing the language describing the BDCP, rather than to modifying the underlying design of the facilities and operations necessary to protect water quality and beneficial uses. I’ll defer now to my R9 colleagues to elaborate on the points I’ve made.

Tim

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Tim Vendlinski

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From: Gorke, Roger
Sent: Tuesday, October 22, 2013 11:44 AM
To: Vendlinski, Tim; Hagler, Tom; Goforth, Kathleen; Foresman, Erin
Cc: Diamond, Jane; Bromm, Susan
Subject: Follow up on Bay Delta

All,

I just wanted to follow up on how we are being drawn into the revisions process for the BDCP and EIS/EIR. We saw that the release date has been pushed back because of the shutdown. If you aren't getting draft chapters or anything since our meeting a month ago, we need to have that confirmed and we can work things from our end.

As you recall, based on the CEQ meeting, EPA was to be brought into and "fully immersed" in the process.

I won't be at my desk from now for the next day to answer the phone but am email accessible.

Thanks,

Roger

Roger Gorke

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